

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Docket: ATM-2215-1

Applicant : Wilfried JUD et al.  
Serial No. : Unknown (Continuation of 09/879,903)  
Prior Examiner: M. Jackson  
Filed : June 14, 2001 Prior Art Unit: 1773  
For : STERILISABLE COMPOSITE FILM

**PRELIMINARY AMENDMENT**

Commissioner for Patents  
Washington, D.C. 20231

Sir:

Please amend this application as follows:

**In the Claims:**

In accordance with 37 C.F.R. § 1.121, please cancel Claims 1 to 10 and insert new Claims 11 to 29, which read as set out below. The changes made are shown explicitly in the attached "Versions With Markings To Show Changes Made".

Please cancel Claims 1 to 10

Please add new Claims 11 to 29, which read as follows:

11. A Sterilizable composite film containing a barrier layer that is impermeable to water vapor and gases comprising a metal foil and on both sides of the barrier layer at least one functional layer, the composite film having a layer structure containing one on top of the other:

(a) a first functional layer containing a first plastic film that is a polyester or a polyolefin or an extrusion layer of a polyolefin or one or more lacquer layers, or print and lacquer layers, or print layers;

(b) a metal foil; and

(c) a second functional layer that is a second plastic film comprising a film of (i) a plastic consisting of coextruded polyamide layer/polypropylene layer where the polyamide layer is in direct contact with the polypropylene layer, and (ii) optionally at least one suitable or conventional plastic system additive in plastic (i), the coextruded polyamide layer/polypropylene has a bond sufficient to prevent delamination thereof during sterilization.

12. The sterilizable composite film according to Claim 11, wherein the composite film having a layer structure, contains in sequence:

(a) the first functional layer containing the first plastic film that is a polyester;

(b) the metal foil; and

(c) the second functional layer that is the second plastic film that is the coextruded polyamide/polypropylene film.

13. The sterilizable composite film according to Claim 11, wherein the first functional layer (a) containing the first plastic film that is a polyester that is monoaxially or biaxially stretched.

14. The sterilizable composite film according to Claim 11, wherein the first functional layer (a) containing the first plastic film that is a polyester that is polyethylene terephthalate.

- (a) one or more lacquer layers, or print and lacquer layers, or print layers;
- (b) the metal foil; and
- (c) the second plastic film that is the co-extruded polyamide/polypropylene film.

17. The sterilizable composite film according to Claim 11, wherein the polyester film of layer (a) has a thickness of 10 to 18  $\mu\text{m}$ , the metal foil has a thickness of 7 to 25  $\mu\text{m}$  and the coextruded polyamide/polypropylene film has a thickness of 60 to 90  $\mu\text{m}$ .

18. The sterilizable composite film according to Claim 11, wherein the polyester film of layer (a) has a thickness of 12  $\mu\text{m}$ , the metal foil has a thickness of 7 to 15  $\mu\text{m}$  and the coextruded polyamide/polypropylene has a thickness of 70 to 80  $\mu\text{m}$ .

19. The sterilizable composite film according to Claim 11, wherein the metal foil is an aluminum foil.

20. The sterilizable composite film according to Claim 11, wherein the metal foil is an aluminum foil of pure aluminum.

21. The sterilizable composite film according to Claim 11, wherein the metal foil is an aluminum foil or an aluminum alloy selected from the group consisting of AlMn, AlFeMn, AlFeSi and AlFeSiMn.

22. The sterilizable composite film according to Claim 21, wherein the aluminum alloy has a purity of 97.5 percent or higher.

23. The sterilizable composite film according to Claim 22, wherein the aluminum alloy has a purity of 98.5 percent or higher.

24. The sterilizable composite film according to Claim 11, wherein the metal foil is pretreated with a primer on one or both sides.

25. The sterilizable composite film according to Claim 11, wherein a bonding agent and/or laminate adhesive is provided between the first functional layer (a) and the metal foil (b), and between the metal foil (b) and the second functional layer (c).

26. A pouch for packaging, made from the sterilizable composite film according to Claim 11.

27. The sterilizable composite film according to Claim 11, wherein, in first functional layer (a), the polyester is a polyalkylene-terephthalate or polyalkylene-isophthalate with the alkylene groups or radicals having 2 to 10 carbon atoms or alkylene groups having 2 to 10 carbon atoms that are interrupted by at least one -O-.

28. The sterilizable composites film according to Claim 27, wherein the polyester is polypropylene-terephthalate.

29. The sterilizable composite film according to Claim 11, wherein the first functional layer (a) is a polyester, a printed image is printed on the outside of the polyester layer and a lacquer coating covers the image.

**In the Specification**

Support for new claims 27 and 28 is found on page 2, line 34 to 37.

Support for new claim 29 is found on page 6, lines 13 and 14.

In accordance with 37 C.F.R. §1.121, please insert on page 1, between the Title and the first line, the following priority history, which reads as set out below. The changes made are explicitly shown in the attached "Version With Markings To Show Changes Made".

Please insert on page 1, between the Title and the first line, the priority history which reads as follows:

This application is a continuation of U.S.S.N. 09/457,006, filed on December 8, 1999, which has priority benefit of European Patent Application No. 98811232.2, filed on December 16, 1998.

**In the Abstract**

Cancel the original Abstract and insert the new Abstract set out on a separate page attached hereto.

## REMARKS

Support for new claims 27 and 28 is found on page 2, line 34 to 37.

Support for new claim 29 is found on page 6, lines 13 and 14.

The term “polypropylene” means propylene homopolymers and does not mean or encompass propylene copolymers. This is the meaning in the art. Furthermore, this is the meaning used by applicants in the specification and claims.

*Modern Plastics Encyclopedia* 1966, Volume 43, No. 1A (September 1965), page 329, has the following article heading” Polypropylene and propylene copolymers.”

The term “polypropylene” excludes propylene copolymers and modified polypropylenes. U.S. Patent No. 4,291,085 states:

[P]olypropylenes ... [M]odified polypropylenes formed by copolymerizing propylene with ....[column 8, lines 39 to 45]

U.S. Patent No 4,424,256 states:

[P]olypropylene, and in some cases, propylene copolymers. [Column 1, lines 60 and 61] [emphasis supplied]

The Specification states:

The polypropylene for films or extrusion coating may be isotactic, syndiotactic or atatic polypropylene or a mixture thereof. The polypropylene ... Also block polymers or random copolymers of polypropylene may be employed.” {page 4, lines 1 to 4} [emphasis supplied]

The term "polypropylene" in Claim 11 does not include propylene copolymers.

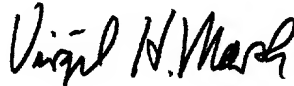
The term "polypropylene" also does not include polypropylene odified by reaction with maleic anhydride, etc. This is the meaning in the art.

U.S. Patent No. 4,559,266 states:

A coextrusion laminated sheet comprising a polypropylene layer, a polypropylene modified with maleic anhydride and .... [column 4, lines 49 to 51] [emphasis supplied]

Allowance of the Claims is requested.

Respectfully submitted,



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